



# California Regional Water Quality Control Board Lahontan Region



Alan C. Lloyd, Ph.D.  
Agency Secretary

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Arnold Schwarzenegger  
Governor

## MEETING AGENDA APRIL 12-13, 2006

**Truckee Donner Public Utility District  
Board Room  
11570 Donner Pass Road  
Truckee, CA 96160**

### REGULAR MEETING

**Wednesday, April 12, 2006 – 4:00 p.m.**  
**(Dinner\* break 5:30 p.m., reconvene approximately 7:00 p.m.)**

**Thursday, April 13, 2006 – 8:30 a.m.**

**\*Notes:** A quorum of the Regional Board will be dining on Wednesday, April 12, 2006, at 5:30 p.m. at Pianeta Ristorante, 10096 Donner Pass Road, Truckee.

**Parking restriction:** The parking lot at Truckee Donner PUD is limited to their employees during the daytime. Street parking is available for our afternoon session on April 12 and morning session on April 13. We have permission to use the Truckee Donner PUD parking lot for the April 12 evening session that begins at 7:00 p.m.

The meeting room is accessible to people with disabilities. If you have special accommodations or language needs, please contact Laurie Applegate at least 5 days prior to the meeting date at (530) 542-5414 or [LApplegate@waterboards.ca.gov](mailto:LApplegate@waterboards.ca.gov). TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

The following items are numbered for identification purposes only and will not necessarily be considered in this order. Public hearings will not be called to order prior to the time specified.

All Board files, exhibits and agenda material pertaining to items on this agenda are hereby made a part of the record for the appropriate item. If, due to time constraints, the Regional Board is unable to consider all of the items scheduled for Wednesday, the item(s) not heard will be considered on Thursday, April 13, 2006 beginning at 8:30 a.m.

Anyone wishing to present a Microsoft PowerPoint® presentation during the meeting, using the Regional Board's projector, must provide the presentation to the Board on either a CD or via email at least three working days prior to the meeting. Please contact the staff person listed for the agenda item of interest.

**California Environmental Protection Agency**



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## NOTICE

### Submittal of Written Material for Regional Board Consideration

In order to ensure that the Regional Board has the opportunity to fully study and consider written material, it is necessary to submit it at least ten (10) days before the meeting unless otherwise specified. This will allow distribution of material to the Board Members in advance of the meeting. Pursuant to Title 23 California Code of Regulations Section 648.4, the Regional Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of the written testimony, the Regional Board may refuse to admit it.

A copy of the procedures governing Regional Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq., and is available upon request. Hearings before the Regional Board are not conducted pursuant to Government Code Section 11500 et seq.

Wednesday, April 12, 2006 – 4:00 p.m.

### Roll Call and Introductions

#### OTHER BUSINESS

1. **Executive Officer's Report** (The Regional Board will not be asked to take any formal action; however, it may provide direction to staff.) (Harold Singer)
  - **Discussion of Standing Items**
  - **Notification of Spills (Pursuant to Section 13271, California Water Code and Section 25180.7, California Health and Safety Code)**
  - **Notification of Closure of Underground Storage Tank Cases (Pursuant to Article 11, Division 3, Chapter 16, Title 23, California Code of Regulations)**

Wednesday, April 12, 2006 – approximately 7:00 p.m.

### 2. PUBLIC FORUM

Any member of the public may address the Regional Board relating to any matter within the Board's jurisdiction. This shall not be related to any item on the agenda and presentations should normally be limited to five minutes. No formal action by the Board will be taken on these matters.

### 3. MINUTES

Minutes of the Regular Meeting of March 8-9, 2006 in Lancaster. (Laurie Applegate)

**4. ADOPTION OF UNCONTESTED CALENDAR**

Item numbers with an asterisk (\*) are expected to be routine and non-controversial. The Board will act on these items at one time without discussion. If any Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately. Requests to have an item removed from the uncontested calendar can be made in advance of the meeting by writing to the Regional Board or by calling the Regional Board's Executive Officer or the request can be made to the Regional Board at the meeting on the Wednesday before the vote on the Uncontested Calendar.

**AMENDED NPDES PERMIT**

- \*5. Tahoe Keys Property Owners Association Lagoon and Marina Water Circulation System, Board Order No. R6T-2004-0024A1, WDID 6A90089000, El Dorado County** (The Regional Board will consider modifying the sampling frequency in the Monitoring and Reporting Program.) (Alan Miller)

**AMENDED WASTE DISCHARGE REQUIREMENT**

- \*6. Amended Waste Discharge Requirements, Resort at Squaw Creek, Placer County, Board Order No. 6-93-26A5** (The Regional Board will consider adopting the amended Waste Discharge Requirements to allow use of a new herbicide.) (George Cella)

**ENFORCEMENT ACTION**

- 7. Kinder Morgan Energy Partners, Consideration of Referral to the California Attorney General for Judicially Imposed Civil Liabilities for a Fuel Pipeline Spill on or about April 1, 2005 in an area near Norden.** (The Regional Board will consider adoption of a resolution referring the matter to the Attorney General.) (Tammy Lundquist)

**PLANS AND POLICIES**

- 8. Public Hearing – Consideration of Proposed Amendments to the Water Quality Control Plan for the Lahontan Region to: 1) Clarify the Applicability of Waste Discharge Prohibitions to Storm Water Discharges, and 2) Provide a Provision for Compliance Schedules in NPDES Permits, and a Related Environmental Document.** (The Regional Board will consider adoption of the proposed amendments and certification of the environmental document. The written comment period ended February 23, 2006.) (Bud Amorfini)

**STATUS REPORTS**

- 9. Status Report on Pathway 2007 Process for Lake Tahoe.** (Water Board staff will present the Pathway Forum Members' Recommendations on Vision, Desired Conditions, Standards and Indicators. Staff will also provide an update on the Regional Plan and TMDL schedule) (Lauri Kemper)

**OTHER BUSINESS**

- \*10. Adoption of the Priority List for the Emergency, Abandoned, Recalcitrant (EAR) Account, Fiscal Year 2006-2007.** (The Regional Board will be asked to adopt a resolution recommending a list of EAR sites to the State Board.) **(Brian Grey)**
- 11. Reports by Chair and Board Members** (Regional Board members may discuss communications, correspondence, or other items of general interest relating to matters within the Board's jurisdiction. The Board may provide direction to staff; however, there will be no voting or formal action taken.)
- 12. CLOSED SESSION\*\***
- a. **Discussion of Significant Exposure to Litigation. Authority: Government Code Section 11126(e)(2)(B)(I).**
  - b. **Discussion of Significant Exposure to Litigation, Leviathan Mine, Alpine County. Authority: Government Code Section 11126(e)(2)(B)(I).**
  - c. **Discussion to Decide Whether to Initiate Litigation. Authority: Government Code Section 11126(e)(2)(c)(I).**
  - d. **Deliberation on a Decision to be Reached Based Upon Evidence Introduced in a Hearing. Authority: Government Code Section 11126(c)(3).**
  - e. **Discussion of Personnel Matters. Authority: Government Code Section 11126(a).**
  - f. **Discussion of Litigation: Sarbjit Singh Kang, et. al, v. State of California, Regional Water Quality Control Board, Lahontan Region, El Dorado County Superior Court No. PC20000261; Azad Amiri and Sarbjit Singh Kang, v. State of California Regional Water Quality Control Board, Lahontan Region, El Dorado County Superior Court No. SC20000114; and Azad Amiri, Mohan Singh, and Sohan Singh v. State of California, Regional Water Quality Control Board, Lahontan Region, Placer County Superior Court No. SCV10061. Authority: Government Code Section 11126(e).**
  - g. **Discussion of Litigation filed by the State of California and the Regional Water Quality Control Board, Lahontan Region, v. Glen R. Hammond and Limited Partners, Kern County Superior Court Case No. 235695. Authority: Government Code Section 11126(e).**
  - h. **Discussion of Litigation: People of the State of California ex rel. California Regional Water Quality Board, Lahontan Region, v. Oliver Crose, Ross Sessions, Sessions Tank Liners Inc., Apex Envirotech, Inc., and does 1-20 inclusive Complaint for injunctive and recovery of costs. Nevada County Superior Court Case No. T03-0694C. Authority: Government Code Section 11126(e).**

- i. **Discussion of Litigation: County Sanitation District No. 14 of Los Angeles County v. Regional Water Quality Control Board, Lahontan Region, Los Angeles County Superior Court Case No. BS095981. Authority: Government Code Section 11126(e).**
- j. **Discussion of Litigation: County Sanitation District No. 20 of Los Angeles County v. Regional Water Quality Control Board, Lahontan Region, Los Angeles County Superior Court Case No. BS096057. Authority: Government Code Section 11126(e).**
- k. **Discussion of Litigation: Regional Water Quality Control Board, Lahontan Region v. Mary Ann Ferguson, et al., Placer County Superior Court Case No. T CV 1002. Authority: Government Code Section 11126(e).**

\*\* At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code Section 11126(a), (c)(3) and (e).

**Thursday, April 13, 2006 –8:30 a.m.**

**PLANS AND POLICIES**

- 13. **Public Hearing – Consideration of an Amendment to the Water Quality Control Plan for the Lahontan Region to Adopt a Total Maximum Daily Load for Sediment in Squaw Creek, Placer County, and a Related Environmental Document.** (The Regional Board will consider adoption of the proposed amendment and certification of the environmental document. The written comment period ended January 5, 2006.) (Anne Holden)

**14. ADJOURNMENT OF MEETING**

Any party aggrieved by a certain decision of the California Regional Water Quality Control Board, Lahontan Region (Regional Board), may petition the State Water Resources Control Board (State Board) to review the decision. The petition must be received by the State Board within 30 days of the Regional Board’s meeting at which the action was taken. Copies of the law and regulation applicable to filing petitions will be provided upon request.

**Note:** A listing of pending applications for Water Quality Certification pursuant to Section 401 of the Clean Water Act may be obtained by calling:

For the Northern Lahontan Basin, Tobi Tyler in South Lake Tahoe at (530) 542-5435

For the Southern Lahontan Basin, Cindi Mitton in Victorville at (760) 241-7413

The Regional Water Quality Control Board, Lahontan Region, has a home page that can be accessed on the Internet, at: <http://www.waterboards.ca.gov/lahontan>

The Regional Board will be considering many items during this meeting which may result in Regional Board action or direction to staff. We encourage input from all people interested in a given item or issue, so that when we act, our decision is based on all available information. Although an oath is not administered in most of the proceedings before this Board, **we expect all statements made before this Board to be truthful with no attempts to mislead this Board by false statements, deceptive presentation or failure to include essential information.**

The Regional Board encourages all people in or near a Board meeting to refrain from engaging in inappropriate conduct. Inappropriate conduct may include disorderly, contemptuous or insolent behavior, breach of peace, boisterous conduct, violent disturbance or other unlawful interference in the Board's proceedings. Such conduct could subject you to contempt sanctions by the superior court (Govt. C Sec 11455.10).

The Regional Board Chairperson may impose sanctions, including reasonable expenses and attorney's fees, on any party for bad faith actions, frivolous tactics or actions intended to cause unnecessary delay by a party or the party's attorney or representative (Govt. C Sec 11455.30).

# CALIFORNIA WATER QUALITY CONTROL BOARD

## LAHONTAN REGION

Main Office: 2501 Lake Tahoe Blvd., South Lake Tahoe, CA 96150 (530) 542-5400

Branch Office: 14440 Civic Drive, Suite 200, Victorville, CA 92392 (760) 241-6583

### REGIONAL BOARD MEMBERS

Name	Location of Residence or Business	Appointment Category
John Brissenden	Hope Valley	Water Quality
Jim Chapman	Susanville	County Government
Jack Clarke	Apple Valley	Water Supply
R. Keith Dyas, Vice Chair	Rosamond	Industrial Water Use
Amy Horne, Ph.D., Chair	Truckee	Rec., Fish and Wildlife
Eric Sandel	Truckee	Water Quality
Susan J. Van Dam	Barstow	Irrigated Agriculture
Vacant		Public
Vacant		Municipal Government

### REGIONAL BOARD STAFF

Harold J. Singer Executive Officer	Robert Dodds Assistant Executive Officer and Ombudsman	David Coupe Counsel to the Board	Laurie Applegate Executive Assistant
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South Lake Tahoe Office: Chuck Curtis, Manager, Cleanup/Planning/TMDL/Enforcement Division  
*Vacant*, Chief, TMDL Unit  
Scott Ferguson, Chief, Enforcement & Special Projects Unit  
Richard Booth, Chief, UST/DOD/SLIC/Leviathan Unit

Lauri Kemper, Manager, Tahoe/Point and Non-Point Division  
Alan Miller, Chief, North Basin Regulatory Unit  
Doug Smith, Chief, Tahoe TMDL Unit  
*Vacant*, Chief, Non-Point Source Unit

Victorville Office: Cindi Mitton, Manager, Southern Lahontan Watershed Division  
Cindi Mitton, Chief, South Basin UST/DOD/SLIC Unit  
Mike Plaziak, Chief, South Basin Regulatory Unit

The primary responsibility of the Regional Board is to protect the quality of the surface and groundwater within the Region for beneficial uses. The duty is carried out by formulating and adopting water quality plans for specific ground or surface water bodies; by prescribing and enforcing requirements on domestic and industrial waste dischargers, and by requiring cleanup of water contamination and pollution. Specific responsibilities and procedures of the Board are outlined in the Porter-Cologne Water Quality Control Act.

Regular meetings of the Board are normally held on the second Wednesday and Thursday of each month. Meeting locations vary but generally alternate between the north and south basins of the region.

The purpose of the monthly meeting is to provide the Board with testimony and information from concerned and affected parties and make decisions after considering the evidence presented. A public forum is held at each regular meeting where any person may address the Board on any matter within the jurisdiction of the Board, but may not be related to any item on the agenda.

The Board welcomes information on pertinent problems, but comments at the meeting should be brief and directed to specifics of the case to enable the Board to take appropriate action. Whenever possible, lengthy testimony should be presented to the Board in writing and only a summary of pertinent points presented verbally. Written material should be submitted no later than the Monday, ten days prior to the Board meeting.

Recordings are made of each Board meeting and these tapes/ CDs are retained in the Board's office for two years. Anyone desiring copies should contact Laurie Applegate at (530) 542-5414, for the current fee schedule for copies.

NOTES

A. SEQUENCE OF AGENDA ITEMS

The items are numbered for identification purposes only and will not necessarily be considered in this order.

B. AVAILABILITY OF AGENDA MATERIAL

Details concerning these agenda items are available for public reference during working hours at the Board's offices. Copies of individual agenda items may be obtained at the Board's offices after 8:00 a.m. on the Friday, twelve days preceding the Board meeting. The staff will assist in answering questions.

C. UNCONTESTED ITEMS CALENDAR

Item numbers with an asterisk (\*) are expected to be routine and noncontroversial. They will be acted upon by the Board at one time without discussion. If any Board member, staff member, or interested party requests discussion, the item will be removed from the Uncontested Calendar to be considered separately.

D. PETITION OF REGIONAL BOARD ACTION

Any person affected by a certain decision of the California Regional Water Quality Control Board, Lahontan Region, (Regional Board) may petition the State Water Resources Control Board to review the decision. The petition must be received by the State Board within 30 days of the Regional Board's meeting at which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided upon request.

E. HEARING RECORD EXHIBITS

Material presented to the Board as part of the testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, chart, diagrams, etc.

F. CONTRIBUTIONS TO REGIONAL BOARD MEMBERS

All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit before the Regional Board must submit a statement to the Board disclosing any contributions of \$250 or more to be used in a federal, state, or local election, made by the action supporter or opponent, or his or her agent, within the last 12 months to any Regional Board member. All permit applicants and all persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES permit pending before the Regional Board are prohibited from making a contribution of \$250 or more to any Board member for three months following a Regional Board decision on the permit application.

G. ADDITIONAL CLOSED SESSION

At any time during the regular session, the Board may adjourn to a closed session to consider litigation, personnel matters, or to deliberate on a decision to be reached based upon evidence introduced in the hearing. Discussion of litigation is within the attorney-client privilege and may be held in closed session. Authority: Government Code Section 11126 (a), (c)(3) and (e).